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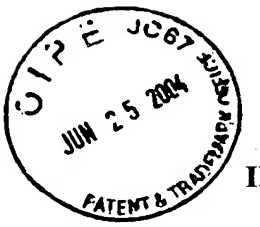

Express Mail No.: EV 456 933 525 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Chen *et al.*	Confirmation No.: 3424
Serial No.: 10/669,606	Group Art Unit: 1614
Filed: September 23, 2003	Examiner: To be assigned
For: PIPERIDINE DERIVATIVES	Attorney Docket No.: 11134-028-999

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 37 C.F.R. § 1.78

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.78, Applicants respectfully request acceptance of an unintentionally delayed claim for the benefit of a provisional application under 35 U.S.C. §119(e).

Applicants respectfully submit that the above-referenced non-provisional application inadvertently misidentified (because of a typographical error) the number of the provisional application of which benefit was intended to be claimed. The above-identified application was filed September 23, 2003, with its first paragraph indicating that "[t]he present application is entitled to and claims the benefit under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 60/413,355, filed September 24, 2002..." Applicants' proper benefit claim should read: "[t]he present application is entitled to and claims the benefit under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 60/413,335, filed September 24, 2002."

Applicants learned of this typographical error following the receipt and subsequent review of a Response to Request for Corrected Filing Receipt mailed in connection with the present application on April 14, 2004. In the Request for Corrected Filing Receipt, Applicants had requested that the PTO correct a typographical error in the date of the priority claim from September 25, 2002, to September 24, 2002. In rejecting the Request, the PTO indicated that the filing date of the application of which benefit is claimed cannot be changed in connection with the present application. In the course of preparing a renewed request to

correct the filing receipt issued in connection with the present application, Applicants became aware of the typographical error in the claim of priority.

In essence, Applicants intended to claim the benefit of the correct provisional application but, through an inadvertent typographical error, the benefit claimed was of the wrong application number. Nonetheless, to comply with the appropriate rule, Applicants state that the entire delay between the date the claim of benefit was due under 37 C.F.R. §1.78(a)(5)(ii) and the date the claim of benefit was filed was unintentional. Applicants believe that this petition should be unnecessary in view of the minor typographical error identifying the priority application and earnestly request that priority be changed by mere correction of the typographical error, but nevertheless, if necessary, hereby petition to accept the unintentionally delayed claim for priority under 37 CFR. §1.78. If priority is corrected, Applicants respectfully request that the specification of the above-identified application be amended to reflect the proper benefit claim, as provided in the accompanying Amendment under 37 C.F.R. §1.115.

Applicants further respectfully request that the Commissioner, pursuant to his discretion under 37 C.F.R. 1.183, waive the fee due with this petition under 37 C.F.R. 17(t), and correct the priority claim as requested above. Should the Commissioner decline to waive the fee, Applicants believe the fee for this Petition is $1300.00 and request that the fee, if necessary, be charged to Jones Day Deposit Account No. 503013 (order number 657253-999028). The Commissioner is authorized to charge the petition fee, and any other required fees, or credit any overpayment to Jones Day Deposit Account No. 503013 (order number 657253-999028). A copy of this paper is attached.

Respectfully submitted,

Date: June 25, 2004

P56,056

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